

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In Re:

ADMINISTRATIVE ORDER 94-3

REGISTRY FUND FEES

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In conjunction with the revision of the Local Rules of this Court, the Court has determined it necessary to issue this new Administrative Order on Registry Fees. Effective April 1, 1994, this order shall replace the previously issued Administrative Orders 92-1 "Revised Registry Fund Fees, 90-4 "Revised Registry Fund Fees and 89-3 "Registry Fees". New Local Rule 106(E)(2) provides that the Court shall set forth the registry fee currently in effect as implemented by the Director or the Administrative Office of the United States Courts and as authorized by the Judicial Conference of the United States. Accordingly, it is ordered that:

Pursuant to the fee schedule in effect as of February 3, 1992, the Clerk of the Court shall assess and collect the fee for the handling of registry funds deposited into interest bearing accounts or instruments in the name and to the credit of the United States Bankruptcy Court during the pendency of a case or proceeding pursuant to 28 U.S.C. § 2041 and FRBP 7067 as follows:

1. Each account in an amount less than \$100,000,000 deposited in the registry fund on or after December 1, 1990 shall be assessed a fee equal to ten percent of the total income earned during the first five years the funds remain in the registry account.

2. Any account described in paragraph one whose deposit exceeds \$100,000,000 or whose deposit is less than \$100,000,000 but has remained in the registry account greater than five years will be assessed fees in accordance with the fee schedule promulgated by the Notice published on behalf of the Administrative Office of the United States Courts in the Federal Register [56 Fed. Reg. 56,356 (1991)].

3. Accounts deposited prior to December 1, 1990, for which the registry fee has already been deducted in accordance with assessment schedules previously in effect for those accounts shall not be subject to any additional registry fee assessment, unless new principal was added for the account on or after February 3, 1992.

4. The ten percent fee shall be deducted by the Clerk from the account at the time the funds are distributed or, in cases where paragraph two of this order applies, at the end of each five year interval, without the requirement of any further order of this court and deposited into a separate "Registry Fee" account.

6. In cases where the United States is a party to the action underlying the registry investment, the funds initially withheld in payment of the fee may be restored to the United States upon application filed with the court by the United States Attorney or other government counsel.

7. Each order for deposit and investment of registry funds shall provide for the assessment of the registry fee in accordance with this administrative order and the Local Rules of this Court and as authorized by the Judicial Conference of the United States and the appropriate fee schedule issued by the Director of the Administrative Office of the United States Courts. Absence of language to this effect in an order shall not preclude the Clerk from collecting the registry fee without further notice to the parties involved.

8. The Clerk shall establish procedures to be followed by the financial deputy in calculating and recording the amount of fees to be deducted from each account.

DONE AND ORDERED in the Southern District of Florida this
22nd day of March, 1994.

/s _____
A. JAY CRISTOL
Chief United States Bankruptcy Judge